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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/784,394

Applicant(s)

ELLER ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 7, 8, 10, 11 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 301. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 2 is objected to under rule 75A because of the following informalities: "electronic billboard" is not stated in claim 1 and is more specific than "electronic display" in claim 1, therefore the broader interpretation of "electronic display" will be assumed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-9, and 11-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lutterbach et al. (U.S. Patent No. 5,510,828).

Referring to claim 1, Lutterbach discloses an electronic display (see element 32 in Figure 6).

Lutterbach also discloses an information handling system coupled to the electronic display (see element 42 in Figure 6), and operable for controlling what is displayed on the electronic display (Column 4, Lines 29-32).

Lutterbach also discloses a digital television network coupled to the information handling system (see element 34 in Figure 6 and Column 3, Lines 56-60 and Column 5, Lines 12-18).

Lutterbach discloses a computer remotely located relative to the information handling system (Column 6, Lines 9-12). Lutterbach also discloses that source of any video signal can be through remote reception (Column 6, Lines 28-29 and that reception can be accomplished through a television network (Column 5, Lines 12-18). Lutterbach also discloses that the display systems can receive input for sending information over the digital television broadcast network to the information handling system for display on the electronic display (Column 4, Lines 43-45 and Lines 49-57).

Referring to claim 2, Lutterbach discloses that an electronic display can be viewed by a plurality of viewers (see Figures 2 and 3).

Referring to claim 3, Lutterbach discloses an outdoor billboard (see Figure 1).

Referring to claim 4, Lutterbach discloses an indoor billboard (see Figure 3).

Referring to claim 5, Lutterbach discloses that the digital television broadcast network includes a digital television broadcast transmitter for transmitting a digital television signal in a wireless matter (Column 4, Lines 6-9).

Lutterbach also discloses wherein a portion of spectrum of the digital television signal is carrying the information (Column 1, Lines 52-58). The examiner notes that it is inherent that a signal that is demodulated is separating different portions of the video and audio signal are carrying information to the receiver.

Lutterbach also discloses wherein the digital television broadcast network further includes a receiver antenna coupled to the information handling system for receiving the digital television signal (Column 3, Lines 66-67).

Lutterbach also discloses wherein the information handling system decodes the digital television signal to extract the information for display on the electronic display (Column 4, Lines 2-4).

Referring to claim 7, Lutterbach discloses a second electronic display (see Figures 3 and 4 and Column 6, Lines 9-16).

Lutterbach also discloses a second information handling system coupled to the second electronic display (Column 6, Lines 9-12). The examiner notes that other "display system" are located at remote locations, and Lutterbach discloses Figure 6 to be a "display system", therefore it is inherent that the second electronic display is coupled to a second information handling system. Lutterbach also discloses that the second information handling system is operable for controlling what is displayed on the second display. The examiner notes that it is inherent that a second user input device because of disclosure of multiple remote "display systems" as discussed above.

Lutterbach disclose that the digital television broadcast network is also coupled to the second information handling system (see Column 5, Lines 12-17 and discussion

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above about multiple "display systems") so that the computer can upload information to be displayed on either of the electronic displays (see Column 6, Lines 12-16).

Referring to claim 8, Lutterbach discloses creating the information (Column 6, Lines 54-56).

Lutterbach also discloses uploading the information to a first information handling system from a second information handling system (Column 6, Lines 12-19) over a digital television broadcast network (Column 5, Lines 12-17).

Lutterbach also discloses displaying of the information on the electronic billboard by the second information handling system (Column 4, Lines 43-63).

Referring to claim 9, see rejection of claim 5.

Referring to claims 11-12, see rejection of claims 3-4, respectively.

Referring to claim 13, see rejection of claim 2.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14 and 19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Carney et al. (U.S. Patent No. 6,408,278).

Referring to claim 14, Carney discloses providing a first electronic billboard at a first location (see element 14a in Figure 3 and Column 5, Lines 26-29).

Carney also discloses coupling a first information handling system to the first electronic billboard (see element 24a in Figure 3) so that the first information handling system can control information to be displayed on the first electronic billboard (Column 3, Lines 57-67).

Carney also discloses providing a second electronic billboard at a second location (see element 14n in Figure 3 and Column 5, Lines 26-29).

Carney also discloses coupling a second information handling system to the second electronic billboard (see element 24n in Figure 3) so that the second information handling system can control information to be displayed on the second electronic billboard (Column 3, Lines 57-67).

Carney also discloses coupling the first and second information handling systems to a third information handling system over a digital television network (see element 20 in Figure 3 and Column 3, Line 6).

Carney also discloses selecting, via the third information handling system, which of the first and second electronic billboards will display the information (Column 3, Lines 55-67).

Carney also discloses uploading the information from the third information handling system (Column 3, Lines 59-63) over the Internet (Column 5, Lines 40-42) to the information handling system controlling the selected electronic billboard (Column 5, Lines 37-40).

Carney also discloses displaying the information on the selected electronic billboard (Column 3, Lines 65-67 and Column 5, Lines 26-29).

Referring to claim 19, see rejection of claim 14.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutterbach et al. in view of Picco et al. (U.S. Patent No. 6,029,045).

Referring to claim 6, Lutterbach teaches all the limitations in claim 5, but fails to teach a multiplexer for combining information with a digital television signal. Picco teaches multiplexing multiple streams of information into a signal digital television signal to be transmitted to the user (Column 8, Lines 56-59). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television transmitter, as taught by Lutterbach, using the multiplexer, as taught by Picco, for the purpose of transmitting alternative television programming signals, such as EPG data (Column 8, Lines 59-64 of Picco).

Referring to claim 10, see rejection of claim 6.

6. Claims 15-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. in view of Hunter (U.S. Patent No. 6,430,605).



Referring to claim 15, Carney teaches all of the limitation in claim 14, but fails to teach a time period for displaying information on the billboard and displaying the information for the specified time period.

Hunter teaches selecting advertisements on a billboard at a selected time period (Column 8, Lines 57-67), and displaying an advertisements for the selected period of time (Column 9, Lines 15-18).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the server 20 (third information handling system), as taught by Carney, using the option to specific a time period for displaying programming content, as taught by Hunter, for the purpose of alerting the users of "sale" items that are only available for a specified limited time (Column 2, Lines 47-52 of Hunter).

Referring to claim 16, Carney teaches all of the limitations in claim 14, but fails to teach the additional limitation of choosing the first and second billboard to receive information from a list of billboards.

Hunter teaches selecting which roadway-adjacent billboards to display programming content (Column 8, Lines 63-67).

At the time the invention was made, it would have been obvious to modify the server 20, as taught by Carney, using the option to allow the advertiser to choose which billboard to displaying information from a list, as taught by Hunter, for the purpose of allowing an advertise to only choose to display programming content where a high traffic volume is known (Column 2, Lines 25-30 of Hunter).

Claim 17 corresponds to claim 16, with the additional limitation of the list including a map of the first and second locations. Hunter teaches that a map can provide the location and directions to a company's local stores (Column 9, Lines 2-5).

Claim 18 corresponds to claim 16, with the additional limitation of charging an amount of money for the display of the information on the selected electronic billboard. Hunter teaches a module 190 for producing bills for charging an advertiser (Column 5, Lines 32-34).

Referring to claim 20, see rejection of claim 15.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wynblatt (U.S. Patent No. 6,219,696) discloses an advertising system that can display content on an electronic billboard.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

February 6, 2003

  
CHRIS GRANT  
PRIMARY EXAMINER